

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HUGHETTE CRUMPLER,)	CASE NO. C-1-02-131
)	
Plaintiff,)	JUDGE SUSAN J. DLOTT
)	
vs.)	
)	
TELXON CORPORATION, et al.,)	
)	
Defendants/Third-Party)	
Plaintiffs,)	
)	
vs.)	
)	
JOHN W. PAXTON, SR.,)	
)	
Third-Party Defendant.)	

**TELXON CORPORATION AND SYMBOL TECHNOLOGIES, INC.'S
MOTION TO STRIKE JOHN W. PAXTON, SR.'S "ATTACHMENT A"**

Third-Party Defendant John W. Paxton, Sr. ("Paxton") violated an order by Federal Judge David. D. Dowd, Jr. of the Northern District of Ohio, Eastern Division, that placed under seal a "proposed" summary judgment order that Paxton nonetheless improperly provided to Crumpler, who then attached it to her publicly filed Reply Memorandum in Support of her Motion for Summary Judgment. Even after Telxon moved to strike Crumpler's Reply Memorandum for violating Judge Dowd's seal order, Paxton publicly filed his Reply Memorandum and quoted therein the sealed order, rendering meaningless Paxton's cursory gesture of filing the document under seal with this Court (which still violated Judge Dowd's Order by once again providing Crumpler access to the document). Symbol Technologies, Inc. and Telxon Corporation therefore respectfully move this

Court to strike Paxton's "Attachment A" and all references thereto in Paxton's Reply Memorandum and to sanction Paxton for his intentional violation of Judge Dowd's seal order.

Respectfully submitted,

OF COUNSEL:

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**Attorneys for Defendants/Third-Party
Plaintiffs**

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2003, a copy of Telxon Corporation and Symbol Technologies, Inc.'s Motion to Strike John W. Paxton, Sr.'s "Attachment A" was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven J. Miller
STEVEN J. MILLER (0014293)